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April 28, 2004

**VIA FEDERAL EXPRESS**

The Honorable Lawrence H. Norton  
General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Dear Mr. Norton:

On behalf of Mr. S. Daniel Abraham, I enclose  
Mr. Abraham's Declaration concerning the Complaint in  
MUR No. 5440. I also enclose his "Statement of Designation of  
Counsel."

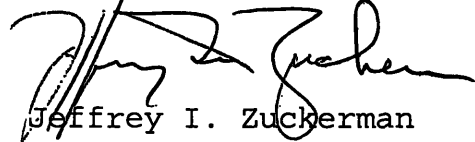
For the reasons set forth in Mr. Abraham's  
Declaration, we respectfully submit that the Commission's staff  
should not even have asked Mr. Abraham to address the Complaint.  
The staff having done so, however, in light of Mr. Abraham's  
Declaration, the Commission should dismiss the Complaint  
forthwith (at least with respect to Mr. Abraham), and should  
order Bush-Cheney '04, Inc., and the Republican National  
Committee to reimburse Mr. Abraham for all expenses that he

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COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
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incurs in responding to the Complaint, including without  
limitation his attorneys' fees.

Very truly yours,



Jeffrey I. Zuckerman

(Enclosures)

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BEFORE THE FEDERAL ELECTION COMMISSION

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MUR No. 5440 :  
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DECLARATION OF S. DANIEL ABRAHAM

S. DANIEL ABRAHAM declares under penalty of perjury  
that:

1. I am a citizen and resident of the United States.
2. I have received a letter dated April 7, 2004,  
from Jeff S. Jordan, Supervisory Attorney in the Complaints  
Examination & Legal Administration of the Federal Election  
Commission, which enclosed a copy of a "Complaint" that was  
apparently filed with the Commission on March 31, 2004, by  
Bush-Cheney '04, Inc., and the Republican National Committee.
3. The Complaint does not name me as a Respondent.  
In fact, my name does not appear anywhere in the 67-page  
Complaint. My name also does not appear anywhere in the  
hundreds of pages of attachments to the Complaint, except that  
I am one of 27 persons listed under the heading "Soft Money  
Donors" on the fourth page of Attachment P to the Complaint.

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4. Mr. Jordan wrote in his letter to me that the Complaint "indicates that [I] may have violated the Federal Election Campaign Act of 1971."

5. I respectfully submit that the Complaint does not indicate that I may have violated the Federal Election Campaign Act of 1971, or any other law, if only because the Complaint does not mention me, and thus does not indicate that I have done anything at all, lawful or unlawful.

6. Therefore, it seems to me that I should not even have been asked to respond to the Complaint.

7. Having been asked to respond to the Complaint, however, I note that:

(a) The Complaint does not mention me.

(b) I am not, and never have been, an organizer, incorporator, director, officer, manager, employee, advisor or agent of any of the "Beneficiaries" or "Groups" listed in Attachment P to the Complaint.

(c) My only connections with any of the "Beneficiaries" or "Groups" listed in Attachment P to the Complaint are that I have made one contribution to John Kerry for President, and two contributions to Victory Campaign 2004.

(d) In making my contributions to Victory Campaign 2004, I relied upon its written assurance that,

"Nonfederal contributions may be accepted in unlimited amounts from individuals . . . . Such nonfederal contributions to Victory Campaign 2004 are not subject to federal or state law restrictions."

(e) I believed these assurances when I received them, and I believe them now.

(f) In making my contributions to Victory Campaign 2004, I explicitly designated them for the nonfederal account: the payee on each of my checks was "Victory Campaign 2004 NON FEDERAL ACCT"; and the "memo" section of each check says, "FOR THE NON-FEDERAL ACCT ONLY."

(g) To the best of my knowledge, information and belief, my contributions to Victory Campaign 2004 were deposited in its nonfederal account, and have not been used in violation of the Federal Election Campaign Act of 1971 or any other law.

8. Under these circumstances, I respectfully submit that I have not violated the Federal Election Campaign Act of 1971, regardless of whether any person mentioned in the Complaint, including Victory Campaign 2004, has violated that law. (I have no reason to believe that Victory Campaign 2004 or any other person mentioned in the Complaint has violated the Federal Election Campaign Act of 1971.)

9. Moreover, I respectfully submit that Bush-Cheney '04, Inc., and the Republican National Committee abused the

processes of the Commission by listing my name in Attachment P and thus inducing the Commission to treat me as a Respondent, without even suggesting how I might have violated any federal election law. I therefore respectfully ask the Commission to order Bush-Cheney '04, Inc., and the Republican National Committee to reimburse me for all the expenses that I incur in responding to their Complaint, including my attorneys' fees.

10. I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 28, 2004.

  
\_\_\_\_\_  
S. Daniel Abraham

# STATEMENT OF DESIGNATION OF COUNSEL

Please use one form for each respondent.

MUR 5440

NAME OF COUNSEL: Jeffrey I. Zuckerman

FIRM: Curtis, Mallet-Prevost, Colt & Mosle LLP

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Suite 430

Washington, D.C. 20036-6808

TELEPHONE: (202) 452-7350

FAX: (917) 368-7350

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

S. Daniel Abraham

Print Name

4/28/04

Date



Signature

Title

RESPONDENT'S NAME: S. Daniel Abraham

ADDRESS:

West Palm Beach, Florida 33401

TELEPHONE: HOME ( )

BUSINESS (561) 514-3900

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